

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MISTY MORTON, #209144,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:08cv303-MEF
	)	
RICHARD ALLEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On May 23, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 50). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED;
2. That the defendants' motion for summary judgment regarding the plaintiff's claims for monetary damages lodged against them in their official capacities be and is hereby GRANTED as the defendants are entitled to absolute immunity from these claims.
3. That motion for summary judgment filed on behalf of Richard Allen and Frank Albright with respect to each of the plaintiff's claims presented against these defendants in the remaining aspects of their official capacities and in all aspects of their individual capacities be and is hereby GRANTED.
4. That motion for summary judgment filed on behalf of Espanolia Nicholson with respect to the plaintiff's equal protection and due process claims against this defendant in the remaining aspects of her official capacity and in all aspects of her individual capacity be and

is hereby GRANTED.

5. That motion for summary judgment filed on behalf of Espanolia Nicholson with respect to the plaintiff's excessive force claims against this defendant in her official capacity and in all aspects of her individual capacity be and is hereby DENIED.

Done this the 20<sup>th</sup> day of June, 2011.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE